

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES L. ROBINSON, #121865,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 1:06-CV-1061-MHT
)	
JAMES DELOACH, et al.,)	
)	
Respondents.)	

ORDER

On February 22, 2007, the petitioner, James L. Robinson ["Robinson"], filed a response to the respondents' argument that he is procedurally defaulted on his claims for relief. In this response, Robinson asserts that correctional officials improperly marked his mail from the state courts as "refused" which prevented him from filing appropriate actions in the Alabama Supreme Court exhausting his claims for relief. He therefore argues that such action by correctional officials establishes cause for his defaults and further argues that failure to review the instant claims would be prejudicial as he is entitled to relief on these claims. Accordingly, it is

ORDERED that on or before March 12, 2007 the respondents shall file a supplemental answer addressing the arguments presented by Robinson in his February 22, 2007 response. In so doing, the respondents shall address whether Robinson should be allowed out of time appeals to the Alabama Supreme Court in his state actions so that he may exhaust his remedies before such court.

Done this 23rd day of February, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL
UNITED STATES MAGISTRATE JUDGE